

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ALI BAHAR,	:	Case No. C-1-01-798
	:	Judge Watson
Plaintiff,	:	
vs.	:	
CITY OF CINCINNATI	:	SUPPLEMENTAL JURY INSTRUCTION
Defendant.	:	

Now comes Defendant, City of Cincinnati, pursuant to the Court's order, submits the following supplemental Jury Instruction. Defendant reserves the right to amend, modify, and add to instructions prior to submission to the jury.

Respectfully submitted,

JULIA L. McNEIL (0043535)
City Solicitor

/s/ Terrance A. Nestor
AUGUSTINE GIGLIO (0031911)
TERRANCE A. NESTOR 065840)
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DEFENDANT'S PROPOSED JURY INSTRUCTION NO.

Pretext

You may find that plaintiff's national origin was a motivating factor in defendant's decision if it has been proved by the greater weight of the evidence that the defendant's stated reasons for its decision are not the true reasons, but are a pretext to hide national origin discrimination.¹

¹ *St. Mary's Honor Center v. Hicks*, 509 US 502 (1993)

CERTIFICATE OF SERVICE

I hereby certify on January 25, 2005 a true and accurate copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system and copies will be mailed to those parties who are not served via the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Terrance A. Nestor
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